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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/638,491

08/15/2000

Michael Feldman

N298.12-0001

1274

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03/12/2004

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EXAMINER

STEVENS, THOMAS H

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Invention I. Claims 1-25 are drawn to software program development, classified in class 717, subclass 100.

Invention II. Claims 26-27 are drawn to modeling simulation and emulation, classified in class 703, subclass 22.

2. **Inventions I-II** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are to be separately usable. In this case, **Invention I** has separate utility, in the nature of software distribution through a plurality of recipients. This separate use distinguishes the invention of **Invention II** by way of modeling software, which is coupled to the plurality of components of the distribution information system. Therefore, **Invention II** is a separately useable subcombination. See MPEP § 806.05 (d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation on March 9, 2004 with applicant's attorney, David R. Fairbairn, Reg. No. 26047, an election was made with traverse to prosecute the

invention of **Invention I**, claims 1-25. Affirmation of this election must be made by Applicant in replying to this office action. Claims 26-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that a reply to this requirement to be complete must include an election of the invention to be examined, even though the requirement may be traversed under 37 CFR 1.143.

Correspondence Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Stevens whose telephone number is (703) 305-0365, Monday-Friday (8:30 am- 5:30 pm) or contact Supervisor Mr. Kevin Teska at (703) 305-9704. The fax number for the group is 703-872-9306.

Any inquires of general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (703) 305-3900.

March 9, 2004

THS